

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
Beckley Division**

BELLWOOD CORP.,
GREENBRIER HOTEL CORP.,
GREENBRIER GOLF AND TENNIS CLUB
CORP.,
GREENBRIER MEDICAL INSTITUTE, LLC,
THE GREENBRIER SPORTING CLUB
DEVELOPMENT COMPANY, INC.,
THE GREENBRIER SPORTING CLUB, INC.,
JUSTICE FAMILY GROUP, LLC,
JAMES C. JUSTICE COMPANIES, INC.
JUSTICE FARMS OF NORTH CAROLINA,
LLC,
JUSTICE LOW SEAM MINING, INC.,
OAKHURST CLUB, LLC,
TAMS MANAGEMENT, INC.
TRIPLE J PROPERTIES LLC,
JAMES C. JUSTICE II,
CATHY L. JUSTICE, AND
JAMES C. JUSTICE III

Plaintiffs,

v.

CARTER BANK & TRUST, et al.

Defendants.

Civil Action No. 5:21-cv-00320

**DIRECTOR DEFENDANTS' MOTION TO DISMISS THE COMPLAINT PURSUANT
TO RULE 12(B)(2) FOR LACK OF PERSONAL JURISDICTION**

Defendants Michael R. Bird, Kevin S. Bloomfield, Robert M. Bolton, Robert W. Conner, Gregory W. Feldmann, Chester A. Gallimore, Charles E. Hall,¹ James W. Haskins, Phyllis Q. Karavatakis, Lanny A. Kyle, E. Warren Matthews, Catharine L. Midkiff, Joseph E. Pigg, Litz H. Van Dyke, and Elizabeth Lester Walsh (the "Director Defendants"), by counsel and pursuant to

¹ Defendant Charles E. Hall passed away after the Complaint was filed and served on him. His position on the Carter Bank Board of Directors has not been filled.

Rule 12(b)(2) of the Federal Rules of Civil Procedure, and Local Rule 7.1(a)(2), move to dismiss Plaintiffs' Complaint for lack of personal jurisdiction. The reasons supporting this Motion are set forth in the accompanying Memorandum in Support and the exhibits attached hereto.

Dated: July 14, 2021

Respectfully submitted,

/s/ R. Booth Goodwin II
R. Booth Goodwin II (WVSB # 7165)
Carrie Goodwin Fenwick (WVSB #7164)
Goodwin & Goodwin, LLP
300 Summers Street, Suite 500
Charleston, West Virginia 25301
Telephone: (304) 346-9700
Facsimile: (304) 344-9692
E-mail: rbg@goodwingoodwin.com

John C. Lynch (WVSB # 6627)
Megan E. Burns (WVSB #13290)
Troutman Sanders Hamilton Pepper LLP
222 Central Park Avenue, Suite 2000
Virginia Beach, Virginia 23462
Telephone: (757) 687-7564
Facsimile: (757) 687-1524
E-mail: john.lynch@troutman.com
Email: megan.burns@troutman.com

Counsel for Defendant Carter Bank & Trust

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FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

BELLWOOD CORP., et al.,

Plaintiffs,

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Civil Action No. 5:21-cv-00320
Honorable Frank W. Volk, Judge

CARTER BANK & TRUST, et al.,

Defendants.

CERTIFICATE OF SERVICE

I, Carrie Goodwin Fenwick, hereby certify that I served a true and correct copy of the foregoing **Director Defendants' Motion to Dismiss The Complaint Pursuant to Rule 12(b)(2) For Lack of Personal Jurisdiction** upon the following counsel of record on July 14, 2021, via the Court's CM/ECF system.

Steven R. Ruby
David R. Pogue
Carey, Douglas, Kessler, & Ruby, PLLC
707 Virginia Street, East
901 Chase Tower
Charleston, WV 25301
sruby@cdkrlaw.com
dpogue@cdkrlaw.com
Counsel for Plaintiffs

Christopher Schroek
Bluestone Resources, Inc.
302 S. Jefferson Street
Roanoke, VA 24011
chris.schroek@bluestone-coal.com
Counsel for Plaintiffs

H. Rodgin Cohen
James L. Bromley
Benjamin S. Beller
Sullivan & Cromwell, LLP
125 Broad Street
New York, NY 10004
cohenhr@sullcrom.com
bromleyj@sullcrom.com
bellerb@sullcrom.com
Counsel for Plaintiffs

/s/ Carrie Goodwin Fenwick
Carrie Goodwin Fenwick (W. Va. Bar No. 7164)